

REMARKS

In view of the preceding amendments and the comments which follow, and pursuant to 37 C.F.R. § 1.111, amendment and reconsideration of the Office Action, mailed on July 9, 2004 is respectfully requested by Applicants.

Summary

Claims 1 and 13 stand rejected. Claim 1 has been amended. No new matter has been introduced as a result of the amendment.

Claims 1 and 13 are pending following entry of the present amendment.

Foreign Priority

In regard to foreign priority benefits, Applicants have already identified the Parent Application (No. 09/949,251) in the preliminary amendment filed October 17, 2003, which contains the corresponding priority papers.

Rejection under 35 U.S.C. § 102

The Examiner has rejected Claims 1 and 13 under 35 U.S.C. § 102 (b) as being anticipated by Heim et al. (Heim) (U.S. Patent 5,793,578). Applicants respectfully traverse this rejection. Applicants have nevertheless rewritten Claim 1 to clarify the claimed invention and to remove any ambiguity that may have been the basis for the rejection.

The pending claim 1 relates to a thin film magnetic head comprising a lower core layer, a bottom pole layer formed on the lower core layer separately therefrom or integrally therewith, a nonmagnetic gap layer formed on at least the bottom pole layer, an upper core layer to be joined to the top of the gap layer at a surface facing a recording medium, and a coil layer formed behind the bottom pole layer in the height direction, for inducing a recording magnetic field in the lower core layer and the upper core layer.

As amended, Claim 1 now recites that "a partial insulating layer is formed on the gap layer and on a first insulating layer, and in which the partial insulating layer is present together with the gap layer or with the gap layer removed so that the gap between the tip region and the bottom pole layer in the portion comprising the partial insulating layer is larger than the gap in the portion comprising only the gap layer." This claimed feature is not taught or suggested by Heim. In fact, Heim is silent about a partial insulating layer being formed on the gap layer.

In addition, amended Claim 1 recites that "the first insulating layer is formed to extend from the top of the rear end surface of the bottom pole layer to the lower core layer." This claimed is also not taught or suggested by Heim. In contrast, Heim discloses that the first insulation layer is inserted in a notch, depression or recess provided in the bottom (first) pole piece layer so that a planar surface of the bottom pole piece layer and a planar surface of the first insulation layer preferably lie substantially in a common plane so as to be substantially coplanar (See Column 6, Lines 40 – 45). Thus, in Heim, the first insulating layer is positioned within the bottom pole layer rather than extending from the top of the rear end of the bottom pole layer to the lower core layer.

Applicants submit for at least the above cited distinguishing features, Claim 1 is patentable over the Heim reference, as well as dependent Claim 13. Applicants respectfully request that the rejections of Claims 1 and 13 under 35 US 102(e) be withdrawn.

Conclusion

Applicants submit that this application is now in condition for allowance, and favorable reconsideration of this application in view of the above amendments and remarks is respectfully requested. Allowance of Claims 1 and 13 at an early date is earnestly solicited. If, there are any fees due, Applicants request that this paper constitutes any necessary petition and authorizes the Commissioner to charge any underpayment, or credit any overpayment, to Deposit Account No. 23-1925.

If the examiner finds that there are any outstanding issues which may be resolved by a telephone interview, the Examiner is invited to contact the undersigned at the below listed number.

Respectfully submitted,

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